**IN THE HIGH COURT OF RAJASTHAN**
**AT JAIPUR BENCH, JAIPUR**

**D.B. CIVIL SPECIAL APPEAL (WRIT) NO.637 OF 2007**

**For Approval and Signature :**

**HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL**

**HONOURABLE MR. JUSTICE MOHAMMAD RAFIQ**

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1. Whether Reporters of Local Papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5. Whether it is to be circulated to the civil judge ?

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**Bharat Lal Meena – Appellant**
**Versus**
**The State of Rajasthan & Ors. - Respondents**

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**Appearance :**
Mr. Ishwar Tiwari, Advocate on behalf of
Mr. Ganesh Meena, Advocate, for the appellant.

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**CORAM : HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL**
**and**
**HONOURABLE MR. JUSTICE MOHAMMAD RAFIQ**

**Date : 11/09/2007**

**ORAL JUDGMENT**

**(Per : HONOURABLE THE ACTING CHIEF JUSTICE MR. J.M. PANCHAL)**

The instant appeal is directed against the judgment dated January 23, 2007 rendered by the learned Single Judge in S.B. Civil Writ Petition no.9378/2006 by which the prayers made by the appellant (i) to set aside the advertisement no.5816 dated October 07, 2005 issued by the District Collector (Supply) to establish a fair-price shop within the limits

of Gram Panchayat, Chakeri and; (ii) to direct the respondents to allow him to work as a fair-price shopkeeper for the complete area of Gram Panchayat, Chakeri, Tehsil and District Sawai Madhopur, are rejected.

The appellant was issued license to enable him to run fair price shop for the area of Gram Panchayat, Chakeri bearing license no.1207/1997. It is the case of the appellant that since issuance of the license, he was honestly and sincerely doing his business according to the terms and conditions of the license. According to him, without any notice to him and without affording any opportunity of being heard, the policy of the government to have one fair price shop for 3000 units was changed and the government decided to establish new shop at village Chakeri by inviting applications for which advertisement dated October 07, 2005 was published. The grievance of the appellant was that the action of the respondents of establishing another fair price shop at village Chakeri was totally illegal. He, therefore, invoked extraordinary jurisdiction of this Court by filing S.B. Civil Writ Petition no.9378/2006 and claimed the reliefs referred to earlier. The learned Single Judge has dismissed the petition by an order dated January 23, 2007 giving rise to the instant appeal.

This Court has heard Mr. Ishwar Tiwari, learned counsel for the appellant and considered the documents forming part of the petition.

From the averments made in the petition itself and more particularly, paragraph 4 of the petition, it is evident that the government has adopted a new policy to have more than one shop in an area where population is more than 3000. The policy decision taken by the State Government cannot be termed either as arbitrary or unreasonable so as to

warrant interference of the Court in a petition filed under Article 226 of the Constitution. The policy is in larger interest of general public. The appellant cannot be permitted to have monopoly to distribute restricted items at fair price shop. As the decision is taken by the respondents which is based on policy, this Court is of the opinion that the learned Single Judge was justified in not entertaining the petition filed by the appellant. No ground is made out by the learned counsel for the appellant to interfere with the same in the instant appeal and, therefore, the appeal is liable to be dismissed.

For the foregoing reasons, the appeal fails and is dismissed.

**(MOHAMMAD RAFIQ), J.** **(J.M. PANCHAL), Actg.CJ.**

Skant/-